IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7026 OF 2005

Hussain Mohd. Raifque Shah
@ Hussain Agha ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Waris Y. Pathan for the Applicant.
Ms S. D. Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 25, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. Offence has been registered against the Applicant and co-accused under sections 395, 397, 342 read with section 34 of the Indian Penal Code. The Advocate appearing for the Applicant submitted that all co-accused who have allegedly played more or less similar role have been enlarged on bail by the orders of the Sessions Court. He pointed out that bail was denied to the Applicant on the ground that there is a case pending against the Applicant of the year 2002 of commission of offence under section 376 of the Indian Penal Code. He submitted that in so far as the said offence is concerned, the trial is proceeding. The learned A.P.P. pointed out that the allegations against the Applicant are of very serious nature which include the allegation of demand of ransom. The learned A.P.P.,

therefore, submitted that before filing of the chargesheet the Applicant cannot be enlarged on bail.

2. I have considered the submissions. The injury certificate of the injured person shows that there are injuries all over the body and there is swelling and bruises around the left eye. However, certificate does not refer to any serious injury caused to the injured person. Perusal of the order passed by the Sessions Court shows that all other co-accused have been enlarged on bail. It is stated that the Applicant is a student. Substantial part of the investigation is completed and it is stated that within a period of one month, chargesheet is likely to be filed. Considering the fact that co-accused has been enlarged on bail, a case is made out enlarging the Applicant on bail.

3. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.301 of 2005 registered with Khar Police Station,** subject to furnishing a personal bond of **Rs.15,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend Khar Police Station on every Sunday and Wednesday between 04.00 p.m. to 06.00 p.m. till the filing of the chargesheet and will co-operate for investigation.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy

of this order.

JUDGE